

board to allocate the cost of furnishing services from such power and steam plants to revenue producing buildings and facilities and to other buildings and facilities at said institutions; making the bonds issued pursuant to said Chapter 121, as amended, authorizing investments and making them eligible to secure public funds; and declaring an emergency." have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 351, "An Act constituting a local law for the maintenance of public roads and highways in Dallas County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring right-of-way for designated state highways or federal highways when the acquisition of such right-of-way is approved by the State Highway Commission, and payment of expenses in connection with such acquisition; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

March 22, 1965

S. C. R. No. 60

S. C. R. No. 28

THIRTY-SEVENTH DAY

(Tuesday, March 23, 1965)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committee

Senator Blanchard submitted the following reports:

Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 301, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 114, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No.

113, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 277, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

BLANCHARD, Chairman.

Senate Bill 470 on First Reading

Senator Blanchard moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Snelson
Hall	Spears
Hardeman	Strong
Harrington	Watson
Herring	Word
Hightower	

Absent

Hazlewood	Rogers
Kennard	Schwartz

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Blanchard:

S. B. No. 470, A bill to be entitled "An Act amending Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Codified as Article 911b, Vernon's Texas Civil Statutes), and known as the Motor Carrier Act," by amending Section 1 (g) relating to transportation of

property between contiguous municipalities and within certain commercial zones; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Transportation.

Senate Concurrent Resolution 61

Senator Hightower offered the following resolution:

S. C. R. No. 61, Extending congratulations to Astronauts Major Virgil I. Grissom and Lieutenant Commander John W. Young on first Gemini flight.

Whereas, The State of Texas joins the United States of America in expressing pride and joy and admiration to the astronauts making the world's first orbit-shifting manned space flight, Air Force Major Virgil I. (Gus) Grissom and Navy Lieutenant Commander John W. Young; and

Whereas, The people of Texas are grateful for the courage and daring spirit of these two valiant Americans who are now Texans by adoption; and

Whereas, It is impossible to express completely the gratitude of this State for their skill and bravery in maneuvering the "Molly Brown" spacecraft in this first Gemini flight; now, therefore, be it

Resolved, That the Senate of the 59th Texas Legislature, the House of Representatives concurring, congratulates Major Virgil I. (Gus) Grissom and Lieutenant Commander John W. Young and that copies of this resolution be sent to them with our unlimited respect for their history-making flight into space.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the resolution was considered immediately and was adopted.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. C. R. No. 63, That Honorable Byron Tunnell be invited to address Joint Session, Wednesday, March 24, at 11:00 a.m. o'clock.

H. B. No. 25, A bill to be entitled "An Act amending the Veterans' Land

Board—Veterans' Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; etc.; and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act relating to the creation, administration, powers, and duties, and financing of the Matagorda County Hospital District of Matagorda County, Texas; and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act appropriating Three Hundred Ten Thousand Dollars (\$310,000) to the House of Representatives and Two Hundred Ten Thousand Dollars (\$210,000) to the Senate for per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, capital outlay, other necessary expenses, and for operations of the Legislative Budget Board and the Legislative Council; and declaring an emergency."

(Signed subject to the provisions of Section 49A of Article III of the Constitution of the State.)

**Text of Address by Senator Hardeman
on "Freedom's Costs" Ordered
Printed in Senate Journal**

The President recognized Senator Richter and he made the following statement:

Our distinguished colleague, the Senator from Tom Green, Dorsey Hardeman, on March 19 delivered a powerful address entitled "Freedom's Costs" to the West Texas American Heritage Group in Alpine, Texas.

In his remarks, obviously the product of countless hours of diligent study and research, the Senator delves into the aftermath of the signing of the Declaration of Independence and reveals the ultimate fate, almost invariably tragic and trouble-filled, of each of the 56 heroic signers. This speech is truly a work of literary excellence and deep historical significance.

For this reason and so that it may be permanently recorded for posterity, Mr. President and members of the Senate, I ask unanimous consent to have the text of Senator Hardeman's address placed in the Senate Journal along with these introductory remarks.

"FREEDOM'S COSTS"

ADDRESS TO WEST TEXAS AMERICAN HERITAGE GROUP

Sul Ross State College

Alpine, Texas March 19, 1965

Dorsey B. Hardeman

State Senator

San Angelo, Texas

Mr. Chairman, Members of the West Texas American Heritage Group, Ladies and Gentlemen:

This program, specifically beamed to our American Heritage, suggests events surrounding the signing, as well as the physical sufferings borne by some of the signers, of one of the world's classics of political literature, considered from any vantage point—The American Declaration of Independence. I am not unmindful of either the significance or the importance of the Texas Declaration of Independence, proclaimed March 2, 1836—just over 129 years ago—which rivals those of Mecklenburg and Philadelphia, and of the Revolution which followed from the Alamo to San Jacinto, by which a Republic was created, which was to voluntarily surrender its sovereignty, some ten years later, to unite with the great commonwealth of States of the American Union—an act unprecedented in political history.

In deference, however, to the "theme" of this convocation, it would appear proper to emphasize incidents connected with the individual delegates to the Convention and charged with its preparation and adoption, and their actual and personal sacrifices, as stated, rather than a discussion of either the literary qualities or the philosophy of the Declaration of Independence itself, by which the thirteen original states severed their colonial allegiance to Great Britain in 1776. The story of those "palladia of your liberties" cannot be repeated too often, as is the purpose of this group.

In a world torn by "police actions," "iron curtains," "rioting," and the like, American democracy does well to restudy its beginnings. It was Mr. Gladstone, who said that "the greatest calamity that can befall a State is for its people to forget its origin."

A detailed discussion of the causes leading up to the Declaration is not now deemed necessary. We might adopt, however, as the primary causes of the revolt, such factors as the "Writs of Assistance" and the policy of "Taxation without Representa-

tion." There were others, of course, as the Declaration charged.

The American revolt—being the first people to revolt against a mother-country and set out on their own—set the pattern for all freedom-loving peoples thereafter. The United States was the first nation founded squarely on the right of revolution; on the right to alter or abolish government, and to embark upon the experiment of a broad, popular self-government.

The "costs"—actual financial losses and personal, bodily sufferings—endured by the Founding Fathers, who gave us the Declaration, are referred to by John Adams who, in 1777, addressed these words to those of us assembled here today and to Americans everywhere:

"Posterity! You will never know how much it cost the present generation to preserve your freedom! I hope you will make good use of it. If you do not I shall repent it in Heaven that I ever took half the pains to preserve it."

Let us then make brief mention of some of the tremendous costs paid by some of the patriots of that generation for our freedom.

Of all of them we may truly say:

"Theirs was the troubled life,
The conflict and the pain;
The grief, the bitterness of strife,
The honor without stain."

Of those patriots, as the result of their bold and hazardous action at Philadelphia, fifty-six risked a hangman's noose to sign and subscribe the Declaration of Independence. This is not to say that there were not others—many of whom are "unknown and unsung"—who also pledged, as well as gave, their "Lives," their "Fortunes" and their "Sacred Honor," and who willingly fought a bloody revolution, for and in support of the principles of the Declaration. As we leave them to their own let us say of them that "Men's homage and their love shall never cease to follow them."

Any praise or veneration we may have for the great patriots is but a pious tribute to departed worth. The Lees and the Henrys, Otis, Warren, Samuel Adams—the men who spoke those words of thrilling power which raised and ruled the storm of resistance are yet beyond the reach of our praise. We can neither add thereto nor detract therefrom.

With the exception of John Hancock, the identity of his cosigners was

kept secret for more than six months for fear of British reprisals.

Seven of the signers were over sixty years of age; eighteen were still in their thirties and three in their twenties. Nine were farmers and twenty-four were lawyers. There were eleven tradesmen—the rest being an amalgam of doctors, teachers and public officials. All of them at the time of signing were prosperous, with the possible exception of Sam Adams, a great and effective patriot, who flaunted his rags and of whom it was said that his only pomp was poverty, well-respected individuals—firmly established within their respective communities as men of substance, financial and moral, and possessed of wisdom and understanding. In that day and age, wealth and affluence honestly acquired had no stigma. There were no cranks or agitators, demonstrators and wild-eyed exhibitionists among the group. They were anything but adventurers; anything but malcontents. They were men devoted to their belief in a Creator. Over half of them expressed their religious faith in Episcopalian worship; Charles Carroll was a Roman Catholic—the others were Congregational, Presbyterian, Quaker or Baptist. Ten signers were preachers' sons, two were bachelors and obviously, two were childless and, perhaps, as many as six, but the remaining signers fathered three hundred twenty-five children. Braxton had eighteen children; Ellery seventeen and Sherman fifteen.

Those patriots mutually pledged to each other their lives, their Fortunes and their Sacred Honor, individually and collectively, "with a firm reliance on the Protection of Divine Providence," for support of their handiwork. The order in which the things pledged appear is highly significant. If the order had been reversed, the captivating and inspiring effect might have been jeopardized. They were willing to give their all—life first, followed by property and sacred honor—and, thus, set the example for their countrymen.

Nine of the signers received wounds in subsequent combat service or suffered such hardships from which they died during or soon after the war. Five were captured and mistreated so badly by the British, as traitors, that they, too, came to premature deaths. Wives were abused and families scattered. Several lost

sons in the fighting. Eight had their houses ransacked and burned. Several were victims of post-war political plots. Certainly, with the die so cast, their lots were not happy ones.

John Hancock, of Massachusetts, with a reward of £500 on his head, as a traitor, offered by George III, attached his signature with such boldness and curliques, said he, "to enable the King of England to read it without his spectacles," lost much of his personal fortune, inherited from an uncle—a loyalist—and being largely founded on smuggling.

During the battle of Yorktown, Thomas Nelson, Jr., of Virginia, then an aide to General Washington, observed that Lord Cornwallis had set up a British command post in the Nelson family homestead. Without hesitation, Nelson ordered his American artillery to shell the stately mansion, which was soon reduced to a smoking rubble. Later, Nelson died bankrupt and his burial place is unknown.

John Hart, of New Jersey, was forced to flee from his dying wife's bedside by the approach of Hessian mercenaries who scattered his thirteen children in every direction and burned his fields and two gristmills. He lived in the woods with wild animals, sleeping in caves and was hunted as an escaped criminal by the British. With his wife dead and his family dispersed, Hart, broken in health by anxiety and hardship, died shortly thereafter.

Carter Braxton, of Virginia, a wealthy pre-war planter and exporter, had a fleet of ships which was seized, sunk or burned by the British. He was forced to sell his home to meet his debts and died, virtually, in rags.

William Hooper, a successful lawyer, and his family, were endangered by the British and driven from their home near Wilmington, North Carolina.

Button Gwinnett, of Georgia, the second signer to die, was wounded in a political duel in May, 1771, and died within a few days thereafter.

Thomas McKean, of Delaware, sent a messenger, at his own expense, to get his ailing colleague, Caesar Rodney, who was suffering from cancer which had destroyed over half of his face, to leave his sick bed and attend the crucial session of July 2, 1776, and break Delaware's deadlocked vote (between McKean and George Read) and without whose

presence Delaware's vote would be thrown out. McKean was so harassed by the British that he and his family were forced to stay in constant hiding during which time he acquired a fatal illness and died bankrupt.

Rodney left his sick bed in Dover within ten minutes after receiving McKean's message and rode all night in the rain to cover the eighty miles to Philadelphia, arriving mud-splattered and bedraggled, with fatigue and suffering showing in every line, to cast his vote in favor of Richard Henry Lee's resolution, declaring the independence of the United Colonies and totally dissolving all political connection with "the State of Great Britain."

George Read of Delaware, while in Philadelphia, was summoned home to succeed the president (governor) of Delaware, who had been taken prisoner by the British. Read and his family, to avoid capture, followed the Jersey shore of the Delaware River and were pursued by British men-of-war. The tide went out and the Reads were overtaken as their boat went aground. By destroying all identifying marks he posed as a country gentleman returning home with his family. The British sailors good-naturedly helped them to shore.

Abraham Clark, of New Jersey, known as the "poor man's counsel," for his voluntary defense of tax-evicted farmers, was hounded into bankruptcy by his creditors. His two sons in the Continental Army were captured and confined in the most loathsome of all British prisons, a prison ship, since they provided the cheapest means of disposing of prisoners as they died off so fast. Clark rejected the enemy's offer to free his sons if he would renounce his cause and pledge allegiance to the King and Parliament. This he refused to do and the Clarks suffered special hardships because of Mr. Clark's patriotism. One son was confined in a dungeon for a time without food except the little bit his fellow prisoners could pass through a keyhole.

Samuel Chase, of Maryland, was impeached as an Associate Justice of the Supreme Court in 1804, but was restored by order of the United States Senate a year later, as a victim of political chicanery.

Thomas Stone, also of Maryland, devoted so much of his modest wealth to the colonial cause that he died at 44, broken in health and pocket.

Stone, Chase and William Paca, also of Maryland, felt a special risk in signing because their families and property were so vulnerably situated near the Chesapeake coast line which was patrolled by British ships.

Charles Carroll, of Maryland, one of the richest men in America had much to lose. When handed the quill he said "most willingly" and wrote "Charles Carroll of Carrollton" being the only delegate to write more than his name. One of the other delegates said, in an aside, "There go a few millions." Carroll continued his effective efforts in behalf of the Revolution at the hazard of his life and his fortune. He was the last of the signers to die—1832.

Stephen Hopkins, of Rhode Island, nine times Governor of that Colony, expended his wealth and strength in the cause of the Colonies and died soon after the close of the War. Governor Hopkins, suffering from palsy, said, as he signed the Declaration, "My hands tremble, but my heart does not," and handed the quill to his colleague, William Ellery, also of Rhode Island.

William Ellery, a rather witty individual, sought a spot where he could observe the signature of each signer so, said he, as to see how each looked as he signed what might be his death warrant. He reported that "Undaunted resolution was displayed on every countenance." The British felt a particular hostility to Ellery and burned his large house and destroyed almost all of his property because of his active and outspoken patriotism.

George Taylor, of Pennsylvania, began his life in America as a bond-servant in an iron foundry and rose to a position of wealth and influence and, at 59, served as a militia colonel. He suffered great financial losses by reason of absence from his business in the interest of the colonial cause.

Four New York delegates—Francis Lewis, William Floyd, Philip Livingston and Lewis Morris, all wealthy aristocrats and, literally, "to the manor born," practically signed away their property when they put their names on the Declaration, as well as jeopardized the safety of their families. Their luxurious townhouses and country estates were plundered and burned and their families subjected to grave indignities. Mrs. Lewis was captured and confined in a filthy barracks and treated with great brutal-

ity. She had no bed to lie on and no change of clothing for months. She never regained her health and died shortly after her release on an exchange of prisoners, arranged by General Washington.

William Floyd's extensive woodlands were "despoiled of everything but the naked soil" by Tories who appropriated his home from which he and his family were exiled seven years. He received no income whatsoever from his property until after the Treaty of Peace was signed at Ghent and the British evacuated in 1783.

Philip Livingston, wealthy, public-spirited and generous, of whom it was said that he "had virtue and abilities as well as fortune," saw all his business interests and his mansion in town and his country estate fall to the enemy. Homeless, he and his family fled up the Hudson for safety. He sold some of his remaining property to help maintain the country's credit and never had a chance to return to his home. He died in 1778 while serving in the Continental Congress.

The family of Lewis Morris had to seek refuge when their home—the "Manor of Morrisana"—in Westchester County was taken by the British. The invaders destroyed everything in sight—valuable timber, crops, livestock. Morris became a brigadier-general of militia and had three sons who served as officers in the American army. Like the Floyds, the Morrisses were denied their home for seven years.

The hiding place of Judge Richard Stockton, of New Jersey, was betrayed by a Loyalist and in the night he was dragged from bed and brutally treated and then thrown into prison where he shivered in the cold, abused and all but starved. When his parole was granted he returned, an invalid, to "Morven," his home, to find his furniture and clothing burned, his fine horses stolen and his excellent library completely destroyed. The hiding place of exquisite family silver, hastily buried, had been betrayed by a servant. The Stocktons were so destitute they had to accept charity. His life and his fortune which he had pledged to his country were both lost. The distinguished jurist did not live to see the Revolution won.

Robert Morris, the one-time merchant prince of Philadelphia, at the personal request of General Washing-

ton, whom he greatly admired, raised funds that prevented the collapse of the war-effort in December, 1776, using his personal credit time and again. He lost one hundred and fifty of his own ships, but somehow he always managed to comply with General Washington's urgent appeals. With his fortune spent in behalf of the Revolution, he was imprisoned at various times between 1788 and 1801 for debts he could not meet. Morris died bankrupt in squalor and obscurity.

George Clymer, of Pennsylvania, was a wealthy merchant whose home was directly in the path of the British advance. While he and his family escaped after the Battle of Brandywine, the home was looted by British soldiers and all his fine furnishings destroyed.

James Smith, of Pennsylvania, successful in the iron business, foresaw the break with Great Britain and trained militia long before hostilities began. His large fortune was lost while he was absent from his business while serving in the Congress. Having a remarkable sense of humor and able to joke about his own losses, there were two things, however, about which he never joked—religion and General Washington, for both of whom he had the utmost respect.

John Morton, of Pennsylvania, rose from humble circumstances to membership on the Supreme Court of his State and after he cast his vote for Independence, his neighbors and friends, as well as many of his relatives, turned against him. Being a sensitive man it was believed that this social ostracism hastened his death only eight months after he affixed his signature to the Declaration—being the first of all the signers to die. His last words were, to his detractors, "... tell them that they will live to see the hour when they shall acknowledge it to have been the most glorious service that I ever rendered to my country."

Francis Hopkinson, of New Jersey, brother-in-law of Signer Thomas McKean, had his great mansion at Bordenwon looted and ransacked by the British.

William Whipple, of New Hampshire, commanded troops as a Brigadier-General and during an expedition into Rhode Island, while having breakfast with his officers, was struck by a British cannon ball which shat-

tered his leg so badly that it had to be amputated.

Dr. Josiah Bartlett, also of New Hampshire, with General Whipple, cast the first vote for independence, representing New Hampshire, and is thought to be the first to sign after John Hancock. Dr. Bartlett suffered the burning of his house because of his patriotic views.

Joseph Hewes, of North Carolina, a prosperous merchant, served in the Congress and died during his term of service in Philadelphia from overwork. His knowledge of shipping was of great value to the Marine Committee in Congress. Hewes knew John Paul Jones and was instrumental in procuring a ship for him—perchance, the "Bon Homme Richard" with which he successfully engaged the British Man-of-War, "Serapis."

Dr. Lyman Hall, of Georgia, had his home destroyed and his rice plantation confiscated, while Colonel George Walton, also of Georgia, was badly wounded and taken prisoner when the British captured Savannah.

The South Carolina delegation composed of Edward Rutledge, his brother-in-law, Arthur Middleton, Thomas Heyward, Jr., and Thomas Lynch, Jr., had the distinction of being the youngest at the time of signing—the average age of the four plantation aristocrats who signed the Declaration was just under twenty-nine years, with Edward Rutledge, at twenty-six, being the youngest. These four had more than age, wealth, and family background in common. All had studied law at the Middle Temple in London and each, upon return home, entered public life. All four of these young men saw military service.

Thomas Lynch, Jr., only three months older than his colleague, Edward Rutledge, went to Philadelphia to care for and, as it developed, to substitute for his delegate-father, who had suffered a stroke. In precarious health himself, he became seriously ill while in command of a company on a march to aid British-threatened Charleston, and never fully recovered. He and his young wife took a sea voyage in the hope of regaining his health. The ship was lost during a violent storm with all on board, as reported by another vessel. The Lynches were never heard from again.

Middleton, Rutledge and Heyward served as officers in the militia upon

their return from Philadelphia and all three were captured during the approximately six-week siege of Charleston and were taken to St. Augustine on a prison ship where, for the next ten months, they suffered privations and indignities, until the formal exchange of prisoners following the cessation of hostilities. The imposing estates of Middleton and Rutledge were completely devastated.

Of those several whose homes were thus plundered and destroyed, and whose vast estates were pillaged, it is noteworthy that not one received or asked recompense.

The remaining signers, Benjamin Franklin, George Ross, James Wilson, and Dr. Benjamin Rush, all of Pennsylvania; Dr. John Witherspoon, of New Jersey; John Adams and his cousin, Sam Adams, Elbridge Gerry and Robert Treat Paine, all of Massachusetts; Richard Henry Lee, Francis Lightfoot Lee, George Wythe, Benjamin Harrison and Thomas Jefferson, all of Virginia; John Penn, of North Carolina; Dr. Matthew Thornton, of New Hampshire, who added his name three months after the signing; Samuel Huntington, Roger Sherman, William Williams and Oliver Wolcott, all of Connecticut, while escaping extensive property damages and immediate physical harm, often through miraculous escapes, as was the case of some of their colleagues, above-enumerated, nevertheless, made their contributions and suffered great anguish as, indeed, the fortunes of war rose and fell. Their pledge was no different from their compatriots, whose sacrifices and personal sufferings and deaths have been, somewhat briefly, recounted.

Each deserves much more credit than the speaker has been able to accord. I should feel remiss not to make a special mention of some of the latter group. Benjamin Franklin was so outstanding as a printer, scientist, philosopher, editor, inventor, diplomat and statesman, that his name was once upon the lips of virtually every schoolboy. (I am afraid there are some—present company excepted, of course—who think he established the chainstore operation known as the "Ben Franklin Stores.") Dr. Franklin was a member of the committee of five with John Adams, Roger Sherman, Roger Livingston and Thomas Jefferson, to prepare a Declaration setting forth the principles involved. He was later to help write the Consti-

tution in 1787 and was a guiding genius in the establishment of our Government. Too much cannot be said in praise of Dr. Franklin and his great contributions.

To Thomas Jefferson, thirty-three years of age, was assigned the honor of the actual writing of the instrument, since he "wielded the most elegant pen in America," and, further, he had roused no political antagonisms.

Jefferson had studied law under George Wythe, America's first law teacher, and admired him greatly. He was inspired by Mr. Wythe's views, as later reflected in the Declaration.

Thomas Jefferson spent about three weeks composing the document, with his peculiar aptness of expression, being keenly aware of the discrepancy between the ideals he was setting forth and the actual conditions which prevailed in the Colonies. He used a small, portable, desk which he had invented. (If I may be indulged a personal reference, it was one of my most thrilling experiences, while in Washington a few years back, to see this little desk in the Smithsonian Institution and then to view the original Declaration of Independence, along with the original Constitution, in the National Archives Building. I cannot describe the emotions which welled up in me as I recall some of the sacrifices the Founding Fathers made for me and for which, seemingly, I have done so little to preserve.)

The Jefferson draft was debated in a most critical fashion. John Adams supported it with "zeal and ability," in masterful manner. Jefferson was precluded, by propriety, from defending his phrases and so said nothing; however, Dr. Franklin, sitting next to him was to observe that his able colleague was "fairly writhing inside." Eventually, only such language as they considered highly impolitic, as the clause reprobating slavery and of certain reflections upon the people of England, was deleted, and the finishing touches were given a treatise of such grace and felicity which, with a literary skill and political address elsewhere unrivalled, was to become one of the world's immortal documents and the noblest of American State papers.

Much could be said of Dr. Benjamin Rush and his contributions, as well as of his criticisms. While studying medicine in Scotland he is credited with

persuading Mrs. John Witherspoon, who rebelled at first at living in the wilds of America, to come to America where Dr. Witherspoon, the great Scottish preacher, had been invited to become president of the College of New Jersey (later Princeton University) some ten years before the Philadelphia meeting. Dr. Rush married Miss Julie Stockton, daughter of Judge and Mrs. Richard Stockton, in January, 1776. This was only a few short months before the eminent minister, the father of the bride and the famous bridegroom would all participate in another ceremony—the Signing of the Declaration. Reportedly, Dr. Rush suggested the title, "Common Sense" to Tom Paine for his famous booklet that did so much to crystalize the "times that try men's souls." Dr. Rush, as a self-appointed mediator, tried to aid in the reconciliation of John Adams and Thomas Jefferson who became estranged around the turn of the 19th century, after long years of friendship, following disagreements on many basic issues. History records, however, that most of the credit for the reconciliation was due to their own wisdom and patriotism in recognizing that neither men nor nations need forego friendship because they do not agree at every point and upon every policy. They realized reasonable men could disagree without being disagreeable.

Fortunately for us all, these two former Presidents spent many long hours in their declining years writing philosophical letters to each other, which are preserved for our "nurture and admonition."

Dr. Rush, following the signing, joined the Philadelphia militia and cared for the wounded and dying. He barely escaped capture after the American defeat at the Battle of Brandywine.

He was highly opinionated and was given to passing judgment on American generals with crushing finality. Knowing little of the art of war, he, nevertheless, was wont to dwell upon the errors and shortcomings of General Washington, whom he regarded as "the evil genius of the American cause." History is the complete answer to his regrettable attitude toward General Washington.

Any reference to the Founding Fathers, to be complete, must include John Adams and his cousin, Samuel Adams, for whom also a reward of £500 was offered by George III, along

with John Hancock, both of whom worked unrelentingly to encourage the doubtful and to convert the opponents in the trying days preceding the final action of the Declaration. Samuel Adams had but one goal: to make the United Colonies independent and to establish the sovereignty of the people. He was a great orator and used his talents in such behalf. John Adams, a New England individualist, with the spirit of liberty bred into him, was a forthright man of law and order. He was a disciple of James Otis whose impassioned speech in 1761 against the "Writs of Assistance" prompted John Adams to later declare that "America was then and there born." Both John and Samuel were Harvard graduates. It was John Adams who seconded the resolution by Richard Henry Lee on June 7, 1776, declaring the colonies to be free and independent states. John Adams proposed and procured the appointment of General Washington to command the Continental army. It was a happy day in Adams' life. His support of the cause of freedom never ceased and his long life was spent in service to his country.

Upon instructions from his provincial government, it was Richard Henry Lee, supported by his younger brother, Francis Lightfoot Lee, who proposed the earthshaking resolution of independence, adopted by the Virginia Convention meeting in Williamsburg and carried to the Congress by Thomas Nelson, Jr., in these resounding words:

"That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

While a majority vote was virtually assured from the first, it was debated for several days and final action was postponed until July 1. Excitement mounted in the Congress and throughout the colonies. Some bitterly opposed it as an act of rebellion, but the number of delegates willing to support it gradually increased. Unanimity was imperative and delegates worked feverishly to line up votes. While the colonies had varying numbers of delegates, nevertheless, each colony had only one vote. This was pointed up by the Delaware situation which had three delegates—

two of whom were present, and divided on the question of support of the Virginia Resolution. It was this desperation that motivated McKean to undertake to secure the presence of his ailing colleague, Caesar Rodney,—to come to Philadelphia and break the deadlock between himself and George Read, as earlier mentioned.

Richard Henry Lee was long a conspicuous member of the Virginia House of Burgesses and was chosen to be a Delegate to the First Continental Congress of 1774 with George Washington and Patrick Henry as his colleagues. It fell to him to prepare the commission and instructions from the Congress for General Washington as Commander-in-Chief of the American forces.

Mr. Lee became the first United States Senator from Virginia and an active advocate of the Bill of Rights which were proposed in 1789 and adopted December 15, 1791.

Benjamin Harrison, of Virginia, often presided over the assembly at the request of President John Hancock. After the adoption of the Virginia Resolution of Independence on July 2, the debate on the Declaration continued. On the morning of July 4, with Hancock presiding, the Congress resolved itself into a Committee of the Whole with Harrison as Chairman. Controversy flared as "their depredations," as said by Jefferson, continued. Late in the afternoon, President Hancock resumed the chair and Harrison reported the action of the Committee of the Whole following which the document was read once more and then adopted without dissent.

William Williams, son-in-law of the Governor of Connecticut, replaced General Oliver Wolcott in Congress. He was a Harvard graduate and gave up theology to become a merchant, but closed his business to aid in the Revolution. He was generous in helping to meet military needs and his house was always open to American soldiers. He vacated his home so the French officers might have more comfortable winter quarters when the French allies wintered in Lebanon, Connecticut.

There was a life-size equestrian statue of George III which had been earlier erected in Bowling Green which was made of lead and gold overlaid. It was torn down and the metal was delivered to the home of General Wolcott, a Yale graduate and

delegate to the Congress from Connecticut, where it was melted down by the General's wife and children, assisted by several ladies of the village. "His Majesty" provided 42,088 bullets for the American Army. Mary Ann Wolcott, eleven, made 10,790 of them and her eight-year-old brother, Frederick, turned out 936 bullets.

Immediately after the commitment of "His Majesty's" statue to the colonial cause, General Wolcott was placed in command of fourteen regiments which were to march in response to General Washington's urgent appeal for aid in the defense of New York. Later, while engaging in the Battle of Saratoga against General Burgoyne's forces, it is told that General Wolcott came across some bullets of "melted majesty," in his supply, some of which, perhaps, had been made by his young son and daughter and were used by his men with lethal effect, against the British troops.

This recitation of some of the highlights, so to speak, and of the stark and merciless realities of the prices paid by these brave men who willingly gave life, health and possessions, points up the costly sacrifices which often must be made to secure and maintain freedom. We should remember well that "Eternal vigilance is the price of liberty." Being a capital transaction in human affairs, when it occurred, the Declaration will keep its place in history while interest in human institutions endures. Its principles are older than human institutions and spring from eternal justice that is anterior to the state. It was the general effusion of the soul of the country at the time of its adoption and it is our bounden duty to discharge our responsibility, as Trustees, to "secure the blessings of Liberty to ourselves and our posterity."

A reverent spirit has explored the lives of the men who took part in the great transaction; has unfolded their characters and exhibited to an admiring posterity the purity of their motives; the sagacity, the bravery, the fortitude and the perseverance which marked their conduct and which secured the prosperity and permanence of their work.

The Declaration of Independence was courageously drawn up, in deathless prose, and valiantly proclaimed, over a year after the beginning of armed conflict, with the British attack on about fifty minutemen, at

Lexington and Concord Bridge of April 19, 1775, when Americans, with truth, could say that they were contending for liberties of Englishmen against parliamentary usurpation and a subversion of the British Constitution. With this great document, however, they assumed a new role as they fought to overthrow the yoke of British might and tyranny, and earned for themselves the freedom and independence of a born nation and hurled into the throat of the Old World, the sparks and flames of democratic doctrines—justice and equal opportunity for all.

This little group of fifty-six heroic men "lifted the gates of empires off their hinges, turned the streams of the centuries into a new channel and still governs the ages."

Of this great Declaration well might Mirabeau say that "tried by its standards of liberty, every government in Europe was divested of its sanction."

The Declaration did not create us a people. We were a great people before its adoption. Had such not been true it is doubtful that such an immortal pronouncement would have emerged. Declarations, Constitutions and Governments do not create peoples, but peoples do create governments and ordain and establish constitutions. The Declaration of Independence simply recognized an accomplished fact—not to constitute us a nation, but to justify its existence to the world.

When word came that the Declaration had been signed, General Washington was encamped near New York in command of the Continental Army and was then threatened with defeat.

He immediately knelt in prayer and expressed his unshakeable faith in a great and, to me, an eloquent prayer: "Almighty God; we make our earnest prayer that Thou wilt keep the United States in Thy Holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly love and affection for one another and for their fellow citizens of the United States at large . . ."

The Declaration of Independence is for all mankind, without distinction of race, condition or creed, a title deed to liberty, so broad and comprehensive that "time cannot wither nor custom stale" its eternal verity. Its

far-reaching principles satisfy the highest ideals of liberty.

Woodrow Wilson said: "The Declaration of Independence is no fetish; its words lay no compulsion upon the thought of any free man, but it was drawn by men who thought, and it obliges those who receive its benefits to think likewise."

That some of its finest phrases have been prostituted, for ulterior purposes, is unfortunate. The muchly quoted and muchly misunderstood axiom that "all men are created equal" was not intended to, and does not, mean either a natural equality or even an equality of natural opportunity, for either would contradict the common observation of men. Mr. Jefferson was simply defining the province or realm of government and contending only that all were politically equal and that the government, ergo, should not give to any man an artificial and unlawful advantage over another.

Its stately and sonorous cadence are the practical statement of the terms on which human beings can live together in political equality with a chance of self-expression and development.

The clause "all men are created equal", perhaps, means equal in the sight of God. (Dean Manion, in a speech in Lubbock which I was privileged to hear a few years ago, described the Declaration of Independence as "the projection of the law of God".) The clause quoted proclaims that it is an opportunity to demonstrate unequal talents. Certainly it does not purport to say that all men are, of right, entitled to permanent economic and social equality. The Declaration of Independence does not assert that all men are equal in all respects, as some present-day demagogues would like to have it say. There are in nature differences in color, sex, size, height, ages, to mention some. To fulfill such Utopian fantasy, complete and absolute equality, is beyond our capacities to provide.

Ordinarily, it may be concluded, men who are free do not remain economically equal, and men who are economically equal are not free.

The Declaration of Independence does not attempt a discussion of a form of government. It is no more a treatise on the science of government than is the book of Genesis a treatise on natural science. It was more an at-

tempt to hold up to the imagination of men the great ideals of liberty than an appeal to the cold reason of men. Many of the eloquent phrases therein can be as little reconciled with existing realities as some of the Beatitudes with practical Christianity. As George Eliot, in the great climax to *Romola*, speaking of justice, said that it "is not without us as a fact, but only within us as a great yearning".

A new doctrine—forming one in the great series of charters of human liberty that began with the *Magna Charta*—all the startled nations rose up to oppose it, this innovation of all that had been in the preceding centuries; but guided by that star, led on by the resolute courage, the steadfast integrity of Gen. Washington, our fathers went on and on in pursuit of this doctrine—on through "blood and toil, tears and sweat," on when the struggle seemed like the very madness of despair; on when hope seemed to have fled, but patriotism remained; on until they wrested that jewel of their love from the reluctant hand of a sullen king and set it aglitter forever upon the brow of a newborn nation.

Nine days before his death which, by a singular coincidence was destined to occur on the day of jubilee, 1826, at almost the same hour as his great compatriot, John Adams—the 50th anniversary of the adoption of his great handiwork—President Jefferson defined the purpose thereof in these words:

"This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion."

And thus the signers of the Declaration of Independence wrote their names where all nations should behold them and all time would not efface them.

Their actions were recorded in

blood; their names should be written in gold.

May we who have this heritage Fail Them Not!

Senate Bill 74 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up S. B. No. 74 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up S. B. No. 74 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Herring	Word

Nays—1

Patman

Absent

Moore

Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 74, A bill to be entitled "An Act relating to engineers and the practice of engineering; defining terms; providing for the regulation of engineers and the practice of engineering; defining powers of the Board; prohibiting certain acts and conduct; dealing with the use of certain words and terms of identification; amending certain sections of and adding sections to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified as Title 52A, 3271a, Revised Civil Statutes of Texas); providing for renewal of registration certificates; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend S. B. No. 74 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 1 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is amended so as to hereafter read as follows:

"Section 1. This Act shall be known and may be cited as 'The Texas Engineering Practice Act.'"

Section 2. Chapter 404, Acts of the 45th Legislature, Regular Session, 1937 (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is amended by adding thereto immediately following Section 1 of Chapter 404, three new sections to be numbered Section 1.1, 1.2 and 1.3 which shall read as follows:

"Section 1.1. In recognition of the vital impact which the rapid advance of knowledge of the mathematical, physical and engineering sciences as applied in the practice of engineering is having upon the lives, property, economy and security of our people and the national defense, it is the intent of the Legislature, in order to protect the public health, safety and welfare, that the privilege of practicing engineering be entrusted only to those persons duly licensed, registered and practicing under the provisions of this Act and that there be strict compliance with and enforcement of all the provisions of this Act, and, in order that the State and members of the public may be able to identify those duly authorized to practice engineering in this State and fix responsibility for work done or services or acts performed in the practice of engineering, only licensed and registered persons shall practice, offer or attempt to practice engineering or call themselves or be otherwise designated as any kind of an 'engineer' or in any manner make use of the term 'engineer' as a professional, business or commercial identification, title, name, representation, claim or asset, and all the provisions of this Act shall be liberally construed and applied to carry out such legislative intent. In furtherance of such intent and purpose of the Legislature, the practice of engineering is hereby de-

clared a learned profession to be practiced and regulated as such, and its practitioners in this State shall be held accountable to the State and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this State.

"Section 1.2. From and after the effective date of this Act, unless duly licensed and registered in accordance with the provisions of this Act, no person in this State shall:

(1) Practice, continue to practice, offer or attempt to practice engineering or any branch or part thereof.

(2) Directly or indirectly, employ, use, cause to be used or make use of any of the following terms or any combinations, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: 'engineer,' 'professional engineer,' 'licensed engineer,' 'registered engineer,' 'registered professional engineer,' 'licensed professional engineer,' 'engineered.'

(3) Directly or indirectly, employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice engineering unless such person is duly licensed, registered under and practicing in accordance with the provisions of this Act.

(4) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of engineering as defined by this Act.

Within the intent and meaning and for all purposes of this Act, any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in numbered paragraphs (1), (2), (3) or (4) of this Section 1.2 shall be conclusively presumed and regarded as engaged in the practice of engineering.

"Section 1.3. Every person licensed and registered by the Board to engage in the practice of engineering shall in the professional use of his

name on any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, or any other such means of professional identification, written or printed, use one of the following legally required identifications: Engineer, Professional Engineer or P. E."

Section 3. Section 2 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is amended so as to hereafter read as follows:

"Section 2. Definitions. As used in this Act the term:

(1) 'Board' shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

(2) 'Certificate of Registration' shall mean a license issued by the State of Texas granting its licensee the privilege of practicing engineering in accordance with the provisions of this Act.

(3) 'Engineer,' 'professional engineer,' 'registered engineer,' 'registered professional engineer,' or 'licensed professional engineer' shall mean a person who has been duly licensed and registered by the Board to engage in the practice of engineering in this State.

(4) 'Practice of engineering' or 'practice of professional engineering' shall mean any service or creative work, either public or private, the performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical, or engineering sciences to such services or creative work.

(5) 'Practice engineering' or 'practicing engineering' shall mean performing or doing, or offering or attempting to do or perform any service, work, act or thing within the scope of the practice of engineering."

Section 4. Section 8 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is amended so as to hereafter read as follows:

"Section 8. The Board shall have the authority and power to make and enforce all rules and regulations necessary for the performance of its duties, to establish standards of conduct and ethics for engineers in keeping with the purposes and intent of

this Act or to insure strict compliance with and enforcement of this Act. The violation by any engineer of any provision of this Act or any rule or regulation of the Board shall be a sufficient reason or ground to suspend or revoke the certificate of registration of such engineer. In addition to any other action, proceeding or remedy authorized by law, the Board shall have the right to institute an action in its own name against any individual person to enjoin any violation of any provision of this Act or any rule or regulation of the Board and in order for the Board to sustain such action it shall not be necessary to allege or prove, either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. Either party to such action may appeal to the appellate court having jurisdiction of said cause. The Board shall not be required to give any appeal bond in any cause arising under this Act. The Attorney General shall represent the Board in all actions and proceedings to enforce the provisions of this Act."

Section 5. Section 16 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is amended so as to hereafter read as follows:

"Section 16. Expirations and Renewals. Certificates of registration shall expire on December 31st following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify every person registered under this Act of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a renewal fee not to exceed Ten (\$10.00) Dollars. The Board is hereby given authority and duty to determine the amount of such renewal fee required to effectively carry out the administration and enforcement of all the provisions of this Act for each coming year on or before December 1st of each year. Failure on the part of any registered engineer to renew

his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten (10%) per cent for each month or fraction of a month that renewal payment is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Section 6. Section 18 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is hereby amended so as to hereafter read as follows:

"Section 18. No firm, partnership, association, corporation or other business entity shall hold itself out to the public or any member thereof as being engaged in the practice of engineering under any assumed, trade, business, partnership or corporate name or employ, use, cause to be used or make use of in any manner whatsoever any such words or terms as 'engineer,' 'engineering,' 'engineering services,' 'engineering company,' 'engineering, inc.,' 'professional engineers,' 'licensed engineer,' 'registered engineer,' 'licensed professional engineer,' 'registered professional engineer,' 'engineered,' or any combinations, abbreviations or variations thereof, or in combination with any other words, letters, initials, signs or symbols on, in or as a part of, directly or indirectly, any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, trade name, assumed name, corporate or other business name unless such firm, partnership, association, corporation or other business entity is actually and actively engaged in the practice of engineering or offering engineering services to the public, and any and all services, work, acts or things performed or done by it which constitute any part of the practice of engineering are either personally performed or done by a registered engineer or under the responsible supervision of a registered engineer."

Section 7. Section 20 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Art. 3271a, Revised Civil Statutes of Texas) is hereby amended so as to hereafter read as follows:

"Section 20. The following persons

shall be exempt from the provisions of this Act, provided that such persons are not represented or held out to the public as duly licensed and registered by the Board to engage in the practice of engineering:

(a) A person not a resident of and having no established place of business in this State, practicing or offering to practice here the profession of engineering, when such practice does not exceed in the aggregate more than sixty (60) days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(b) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice here in for more than sixty (60) days in any calendar year the profession of engineering, if he shall have filed with the Board an application for a certificate of registration and shall have paid the fee required by this Act. Such exemption shall continue only for such time as the Board requires for the consideration of the application for registration; provided, that such a person is legally qualified to practice said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(c) An employee or a subordinate of a person holding a certificate of registration under this Act, or any employee of a person exempted from registration by classes (a) and (b) of this section; provided, his practice does not include responsible charge of design or supervision.

(d) Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government.

(e) Nothing in this Act shall be construed to apply to persons doing the actual work of installing, operating, repairing, or servicing locomotive or stationary engines, steam boilers, Diesel engines, internal combustion engines, refrigeration compressors and systems, hoisting engines, electrical engines, air conditioning equipment

and systems, or mechanical and electrical equipment and apparatus; nor shall this Act be construed to prevent any citizen from identifying himself in the name and trade of any engineers' labor organization with which he may be affiliated. Provided, however, that nothing in this Act shall be construed as permitting any person other than a licensed professional engineer affixing his signature as such to engineering plans, specifications or estimates.

(f) Nothing in this Act shall be construed to apply to qualified persons erecting, constructing, enlarging, altering, and/or repairing: (1) any private dwelling, or apartments not exceeding four units per building and having a maximum height of two stories, garages or other structures pertinent to such buildings, or (2) private buildings which are to be used exclusively for farm, ranch, or agricultural purposes or (3) other buildings having no more than one story above ground level and containing no clear span between supporting walls greater than twenty feet on the narrow side, and having a total floor area not in excess of 1,600 square feet.

(g) Any regular fulltime employee of a private corporation who is engaged solely and exclusively in performing services for such corporation and/or its affiliates; provided, such employee's services are on, or in connection with, property owned or leased by such private corporation, or in which such private corporation has an interest, estate or possessory right, or whose services affect exclusively the property, products, or interests of such private corporation; and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications to be incorporated into fixed works, systems or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public.

(h) Any regular fulltime employee of a privately owned public utility who is engaged solely and exclusively in

performing services for such utility and/or its affiliates; provided, that such employee does not have the final authority for the approval of, and the ultimate responsibility for engineering designs, plans or specifications to be incorporated into fixed works, systems or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public.

(i) Qualified scientists engaged in scientific research and investigation of the physical or natural sciences, including the usual work and activities of meteorologists, seismologists, geologists, chemists, geochemists, physicists and geophysicists; provided, that such scientists do not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications, or engineering supervision.

Section 8. If any section, subsection, paragraph, subparagraph, sentence, clause or part of the above provisions shall, for any reason, be held invalid, such decision shall not affect the remaining portions of the above provisions or of this Act, and it is hereby declared to be the intention of the Legislature to have enacted each section, subsection, paragraph, subparagraph, sentence, clause, or part of the above provisions irrespective of the fact that any other section, subsection, paragraph, subparagraph, sentence, clause or part of the above provisions may be declared invalid, that is, it is the intention of the Legislature that each of the above provisions and portions thereof are severable.

Section 9. All laws and parts of laws in conflict or inconsistent with this Act are hereby repealed.

Section 10. The threat and danger to life, health, and property inherent in permitting unqualified persons to practice engineering and the almost certain disaster likely to result when members of the public are caused to misplace their trust and confidence in those who directly or indirectly call themselves engineers or create an impression of practicing or being qualified to practice engineering when in

fact they are neither qualified nor accountable to the State by being licensed or registered as engineers, and the fact that our present laws are not adequate to safeguard or protect our citizens in a time of rapidly expanding technology in the practice of engineering and when engineers and the practice of engineering are assuming an even greater and expanding part in our economy and the national defense, creates an emergency of the greatest public importance and an imperative public necessity requiring that the Constitutional Rule that bills shall be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Herring offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 74 by striking subparagraph (f) of Section 20 and substituting in lieu thereof the following:

"(f) A person, firm, partnership, joint stock association or private corporation, erecting, constructing, enlarging, altering or repairing, or drawing plans and specifications for: (1) any private dwelling, or apartments not exceeding eight units per building for one story buildings, or apartments not exceeding four units per building and having a maximum height of two stories, or garages or other structures pertinent to such buildings; or (2) private buildings which are to be used exclusively for farm, ranch or agricultural purposes, or used exclusively for storage of raw agricultural commodities; or (3) other buildings, except public buildings included under Section 19 of this Act, having no more than one story and containing no clear span between supporting structures greater than twenty feet on the narrow side and having a total floor area not in excess of five thousand square feet; provided, that no representation is made or implied that engineering services have been or will be offered to the public."

The amendment to the Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 74 by striking subparagraph (g) of Section 20 and substituting in lieu thereof the following:

"(g) Any regular full time employee of a private corporation or other private business entity who is engaged solely and exclusively in performing services for such corporation and/or its affiliates; provided, such employee's services are on, or in connection with, property owned or leased by such private corporation or other private business entity, or in which such private corporation or other business entity has an interest, estate or possessory right, or whose services affect exclusively the property, products, or interests of such private corporation or other private business entity; and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications pertaining to such property or products which are to be incorporated into fixed works, systems, or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public."

The amendment to the pending Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 74 by striking subparagraph (h) of Section 20 and substituting in lieu thereof the following:

"(h) Any regular full time employee of a privately owned public utility and/or affiliates who is engaged solely and exclusively in performing services for such utility and/or its affiliates; provided, that such employee does not have the final au-

thority for the approval of, and the ultimate responsibility for engineering designs, plans or specifications to be incorporated into fixed works, systems, or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public."

The amendment to the pending Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 74 by striking subparagraph (i) of Section 20 and substituting in lieu thereof the following:

"(i) Qualified scientists engaged in scientific research and investigation of the physical or natural sciences, including the usual work and activities of meteorologists, seismologists, geologists, chemists, geochemists, physicists and geophysicists."

The amendment to the pending Committee Amendment was read and was adopted.

Senator Crump offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment to S. B. 74, Sec. 4, quoted Sec. 8 by striking out the word "not" after the word "shall" in the third sentence thereof.

The amendment was read and failed of adoption.

Senator Strong offered the following amendment to the pending Committee Amendment:

Amend S. B. 74, Committee Amendment No. 1 by deleting from Section 20, subsection (g) the following language: "and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications to

be incorporated into fixed works, systems or facilities on the property of others or which are to be made available to the general public" and insert a period in lieu of the semi-colon immediately prior to such language.

The amendment to the Committee Amendment was read.

Senator Herring raised the Point of Order that the amendment by Senator Strong seeks to amend a section of the bill on which a previous amendment had been adopted.

The President sustained the Point of Order.

Senator Moore offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment to S. B. 74, Section (D) by adding the following words after the word Government the following words "City, County or State Government."

The amendment to the pending Committee Amendment was read.

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment failed of adoption by the following vote:

Yeas—11

Aikin	Kennard
Colson	Krueger
Crump	Moore
Hall	Patman
Hardeman	Strong
Hightower	

Nays—19

Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Cole	Richter
Creighton	Schwartz
Dies	Snelson
Harrington	Spears
Hazlewood	Watson
Herring	Word
Kazen	

Absent

Rogers

Senator Strong offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment to S. B. 74 by deleting the words "or estimates" and placing the word "or"

between the words "plans, specifications" in subsec. (e) of Section 20.

The amendment to the pending Committee Amendment was read and was adopted.

The Committee Amendment as amended was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

Record of Votes

Senators Krueger, Strong, Patman and Colson asked to be recorded as voting "Nay" on the passage of S. B. No. 74 to engrossment.

Senate Bill 74 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Calhoun	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Hazlewood	Watson
Herring	Word

Nays—6

Colson	Moore
Hardeman	Patman
Krueger	Strong

Absent

Rogers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Krueger, Strong, Patman, Hardeman and Colson asked to be recorded as voting "Nay" on the final passage of S. B. No. 74.

Senate Bill 471 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 471, A bill to be entitled "An Act creating the County Court No. 1 of Galveston County; providing for its jurisdiction, administration and procedures, personnel, judge, and terms; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 471, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senate Joint Resolution 14 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 14, Proposing Amendments to Sections 4, 22 and 23 of Article IV of the Constitution of the State of Texas, so as to provide a four year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

The resolution was read second time.

Senator Creighton offered the following committee amendment to the resolution:

Amend S. J. R. No. 14, Section 3, in the paragraph headed, "Sec. 23," by striking out the word, "and," where it appears after the word, "Treasurer," and by inserting a comma and the following clauses after the words, "Commissioner of the General Land Office":

"and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution,".

The committee amendment was read and was adopted.

Senator Creighton offered the following committee amendment to the resolution:

Amend Section 4 of S. J. R. No. 14 by striking the entire section and inserting in lieu thereof the following:

"Section 4. The foregoing Constitutional Amendments shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

'FOR the Constitutional Amendments providing a four year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution.'

'AGAINST the Constitutional Amendments providing a four year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution.'

The committee amendment was read and was adopted.

Senator Creighton offered the following amendment to the resolution:

Amend S. J. R. No. 14 by adding a new section to be numbered Section 3a to read as follows:

"3a. Nothing contained herein shall be construed so as to extend the term of any office or officeholder previously elected to a two-year term."

The amendment was read and was adopted.

(Pending discussion by Senator Creighton of his amendment, Senator Strong occupied the Chair.)

(President in the Chair.)

Senator Schwartz offered the following amendment to the resolution:

Add a new last section to S. J. R. No. 14 as follows:

"No person holding any office under the provisions of this Section, shall be a candidate for any other public office during the first 40 months of any 4-yr. term to which that person was elected."

The amendment was read and failed of adoption.

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

Record of Vote

Senator Schwartz asked to be recorded as voting "Nay" on the passage of S. J. R. No. 14 to engrossment.

Senate Joint Resolution 14 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Calhoun
Bates	Cole
Blanchard	Colson

Creighton	Krueger
Crump	Moore
Dies	Parkhouse
Hall	Patman
Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Richter
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Nays—3

Rogers	Snelson
Schwartz	

Absent

Spears

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Strong
Harrington	Watson
Hazlewood	Word
Herring	

Nays—3

Rogers	Snelson
Schwartz	

Absent

Spears

Senate Bill 472 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senators Patman and Richter:

S. B. No. 472, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 81st Judicial District of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 23, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 289:

McIlhany, Chairman; Thurman, Dickson, Jones of Taylor, Newman.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
March 22, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas State Historical Survey Committee: For six-year terms to expire January 1, 1971: Lewis R. Timberlake of Austin, Travis County; Edward H. Harte of Corpus Christi, Nueces County; Charles R. Woodburn of Amarillo, Potter County; Patrick Taggart of Waco, McLennan County; Thomas C. Unis of Dallas, Dallas County; R. Don Thorne of El Paso, El Paso County. To fill the unexpired term of Roy Cullen, resigned, term to expire January 1, 1967: Robert L. Lowry of Houston, Harris County. To fill the unexpired term of Jenkins Garrett, resigned, term to expire January 1, 1969: A. M. Pate, Jr. of Fort Worth, Tarrant County. To fill the unexpired term of E. R. Wright, deceased, term to expire January 1, 1969: Harold L. Kennedy of Palestine, Anderson County.

Respectfully submitted,

JOHN CONNALLY,
Governor of Texas.

Notice of Executive Session

Senator Krueger gave notice that he would move for an Executive Ses-

sion at 11:30 o'clock a.m. on Thursday, March 25, 1965.

Welcome Resolutions

S. R. No. 311—By Senator Watson: Extending welcome to students and teachers of Speegleville Independent School of Waco.

S. R. No. 312—By Senator Watson: Extending welcome to students, teacher and sponsor of Rockdale High School.

S. R. No. 313—By Senator Crump: Extending welcome to Junior Historians and teacher of Uvalde High School.

S. R. No. 314—By Senator Aikin: Extending welcome to Mrs. May Jo Gobbert.

S. R. No. 315—By Senator Herring: Extending welcome to students of Johnston High School of Austin.

S. R. No. 316—By Senator Herring: Extending welcome to students and teacher of Rosedale Elementary School of Austin.

S. R. No. 317—By Senator Herring: Extending welcome to students of Ortega Elementary School of Austin.

Adjournment

On motion of Senator Hardeman the Senate at 12:11 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
March 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 334, "An Act relating to the creation, administration, powers and duties, and financing of the Matagorda County Hospital District of Matagorda County, Texas; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

APPENDIX

Sent to Governor

March 23, 1965

S. B. No. 181
S. B. No. 351
S. B. No. 90
S. B. No. 130
S. B. No. 334

THIRTY-EIGHTH DAY

(Wednesday, March 24, 1965)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Kennard

A quorum was announced present.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Dr. A. Stanley Dreyfus, Rabbi of Temple B'nai Israel of Galveston offered the invocation as follows:

"Lord our God, whose will it is that men should do justly and walk uprightly, Thou who hast given that law of truth by which man shall live and not die, look down upon these Thy servants who are met here to translate Thy commandments into rules of conduct in obedience to which men can attain peace and harmony, can achieve prosperity and happiness.

Make these, into whose hands we